

REMARKS

Applicant submits this Amendment After Final in reply to the final Office Action mailed March 23, 2006.

By this Amendment, Applicant cancels claims 73-92¹, without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of cancelled claims 73-92 in another application, for example, an application claiming priority to this application.

Before entry of this Amendment, claims 15, 16, 18-29, and 73-92 were pending in this application, with claims 73-92 withdrawn from consideration. After entry of this Amendment, claims 15, 16, and 18-29 are pending in this application. Claim 15 is the sole independent claim.

On page 3 of the final Office Action, claims 15, 18, 20, and 24-28 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of certain claims of U.S. Patent Application No. 10/681,323. As an initial matter, Applicant does not necessarily agree with the characterizations on page 3 of the final Office Action and concerning claims set forth in this application and U.S. Patent Application No. 10/681,323. Moreover, Applicant does not necessarily agree with the assertions in the final Office Action regarding the differences between the instant application claims and the claims of U.S. Patent Application No. 10/681,323 and the assertions of obviousness.

¹ As indicated by the Examiner on page 2 of the final Office Action, claim 92 was inadvertently listed as claim 31 in the Amendment filed October 25, 2005.

Nevertheless, Applicant submits herewith a Terminal Disclaimer to obviate the provisional double patenting rejection based on U.S. Patent Application No. 10/681,323. The filing of the Terminal Disclaimer in no way manifests an admission by Applicant as to the propriety of the provisional double patenting rejection. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicant reserves the right to traverse the double patenting rejection at a later date. Applicant respectfully requests the withdrawal of the provisional double-patenting rejection in view of the Terminal Disclaimer of record in this application.

Claims 16 and 18-29 depend either directly or ultimately from claim 15 and are therefore allowable for at least the same reasons claim 15 is allowable. Moreover, each of claims 16 and 18-29 recites a unique feature and/or combination that is neither taught nor suggested by the cited art, and therefore each is separately patentable.

Applicant requests the withdrawal of the outstanding rejections, the cancellation of claims 73-92, and the timely allowance of pending claims 15, 16, and 18-29.

Furthermore, Applicant respectfully points out that the final Office Action by the Examiner presented some new arguments against Applicant's invention. It is respectfully submitted that the consideration of this Amendment After Final would allow the Applicant to reply to the final rejection and place the application in condition for allowance.

In view of the foregoing remarks, Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the final Office Action.


In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If there is any fee due in connection with the filing of this Amendment After Final that is not otherwise accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 25, 2006

By: 
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Attachments: Terminal Disclaimer (3 pages).